

SENATE BILL 2880

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 13; Title 47, Chapter 18 and Title 68, Chapter 131, relative to safety in children's products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 13, is amended by adding the following as a new section thereto:

4-3-1306.

(a) Any person who manufactures toys marketed for use by children located in the state of Tennessee that allows any part of production of such toys in China shall be required to disclose any and all safety testing methods such manufacturer uses to the department of commerce and insurance prior to the sale of such toys.

(b) The department of commerce and insurance shall promulgate rules and regulations requiring minimum safety testing standards that must be met by any person described in subsection (a).

(c) The department of commerce and insurance may seek and the court may impose a maximum civil penalty for a violation of this section of not more than ten thousand dollars (\$10,000).

(d) As used in this section, "person" includes a partnership, individual, corporation, firm, company or association.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part thereto:

47-18-5401.

As used in this part, unless the context otherwise requires:

(1) "Child care article" means a product designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children or to help children with sucking or teething;

(2) "Children" means individuals who are seven (7) years of age or younger;

(3) "Consumer" means that term as used in the Consumer Product Safety Act, 15 USC §§ 2051 -- 2085;

(4) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity;

(5) "Toxic substance" means a substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than six one hundredths percent (0.06%) of the total weight. Toxic substance does not include glass or crystal decorative components; and

(6) "Toy" means an article designed and made for the amusement of a minor or for the minor's use in play.

47-18-5402.

(a) A person shall not use or apply a toxic substance in or on any toy or child care article in this state.

(b) A person shall not sell, offer for sale, or transfer a toy or child care article in this state that contains a toxic substance.

(c) The provisions of this section do not apply to the sale of a collectible toy that is not marketed to or intended to be used by a minor.

47-18-5403.

A violation of this part shall constitute a violation of the Tennessee Consumer Protection Act, compiled in part 1 of this chapter. For the purpose of

application of the Tennessee Consumer Protection Act, any violation of this part shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies as provided by that act.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.